

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**JULY 10, 2014**

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The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in Council Chambers of the Norman Municipal Complex, 201 West Gray Street, on the 10<sup>th</sup> day of July 2014. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Vice Chair Sandy Bahan called the meeting to order at 6:30 p.m.

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Item No. 1, being:

**ROLL CALL**

MEMBERS PRESENT

Curtis McCarty  
Jim Gasaway  
Tom Knotts  
Chris Lewis  
Andy Sherrer  
Cindy Gordon  
Sandy Bahan

MEMBERS ABSENT

Robertta Pailes  
Dave Boeck

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &  
Community Development  
Jane Hudson, Principal Planner  
Janay Greenlee, Planner II  
Roné Tromble, Recording Secretary  
Leah Messner, Asst. City Attorney  
Larry Knapp, GIS Analyst II  
Ken Danner, Subdivision Development  
Manager  
Terry Floyd, Development Coordinator  
Todd McLellan, Development Engineer

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**CONSENT ITEMS**

The Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 2, being:

**APPROVAL OF THE JUNE 12, 2014 REGULAR SESSION MINUTES**

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**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Jim Gasaway moved to approve the June 12, 2014 Regular Session Minutes as presented. Chris Lewis seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Andy Sherrer, Curtis McCarty, Sandy Bahan, Jim Gasaway, Tom Knotts, Chris Lewis, Cindy Gordon
NAYES	None
ABSENT	Roberta Pailles, Dave Boeck

Ms. Tromble announced that the motion, to approve the Minutes of the June 12, 2014 Regular Session as presented, passed by a vote of 7-0.

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### **NON-CONSENT ITEMS**

Item No. 3, being:

**O-1415-1 – PLANTATIONS IN SOONER FASHION MALL REQUESTS SPECIAL USE FOR A BAR, LOUNGE OR TAVERN FOR PROPERTY LOCATED AT 3207 WEST MAIN STREET.**

#### **ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Sooner Mall Map
4. Sooner Mall Tenant Map
5. Storefront drawing
6. Store layout
7. Pre-Development Summary

#### **PRESENTATION BY STAFF:**

1. Janay Greenlee -- This is a request from Nadill Enterprises for a Special Use for a Bar, Lounge or Tavern located in Sooner Mall at 3207 West Main Street. It is at the east end of Sooner Mall, and just to clarify the special use is just for Plantations. This is the subject tract that is showing the Sooner Mall. It is existing C-2. That is the subject tract and the existing land use around it: commercial to the west; multi-family to the north; commercial to the south; and commercial to the east. There you can see where Plantations is located within the Mall. It is at the east end near Sears. It's approximately 1700 square feet total. The bar area will be approximately 600 square feet and the occupant capacity is going to be for about 10-15 people. That just gives you a layout of the mall. It is located near Sears -- one of the main entries to the mall on the south side of the mall. This is kind of an overview, some architectural renderings of the renovation for Plantations. This will have two double doors to the vestibule inside; the bar will be located at the back. There is a rear exit, but they are not going to have that open for entrance to that bar; that is going to be employee entrance only. This is the bar area, the humidor area, the double entrance to abide by all the health regulations for the smoking area. Obviously, we all know what Sooner Mall looks like, but it was a nice day so I got a few extra pictures. This is the entrance where you go into the main entrance to Sooner Mall and Plantations is located right inside of that entrance to that north end of the mall. This is looking to the west; back to the east. This is behind the north side of the mall; parking lot on the north side. This would be behind Plantations. This is the multi-family to the north. And inside the mall. They already have a lounge area there currently, so this is kind of the area where the bar area would be located. This is looking to the west end of the mall. There's the entrance that I was talking about that's in very close proximity to Plantations.

We did have two protest letters -- 0.25% within the notification area. However, nobody came this evening. It's not this whole area, it's one person within this area. Plantations is right now the only sole independent operator within the mall. They've been there since about 1976. They opened with the mall. The intention is to have a small bar so that they can obviously have a place where somebody could go have a drink and have a cigar. There is currently El Chico that's in the mall that's a restaurant; they have a bar area inside the restaurant. There have not ever been any problems associated with that. We feel that this would be a good use. So staff is supporting approval of the applicant's request for a Special Use for a Bar, Lounge or Tavern to be located. We do recommend approval of Ordinance No. O-1415-1.

Just one last item that I did want to bring up because of the Special Use. Change of ownership -- that Special Use stays with this property. There is a lease contract with the mall and Plantations to allow the Special Use. They've gone through that. If there is a change in ownership, the special use has to be transferred to the new owner. They have to have written notification sent to the Planning Director, indicating date of transfer, name and address of the new owner, a statement acknowledging conditions attached to the special use, and intent to continuously comply with that special use, and there's a \$100 transfer fee, and, lastly, there's an inspection of the property that they have to reveal that the continued use is in compliance with all original conditions.

2. Mr. Knotts – I have a general question about the notification area. It appeared that Dillard's is not included inside the subject tract area. Those of us that have hunted for parking places at Christmas know that this is just very narrow. But this one is very wide. And also it seems to me that the subject tracts should be the perimeter of the property, rather than the perimeter of the mall.

3. Ms. Connors – He is indicating that this map does not include all the land within the enclosed mall. The Dillard's store.

4. Mr. Lewis – Is it possible that Dillard's owns its own building?

5. Ms. Connors – It does.

6. Mr. Knotts – But Dillard's doesn't own the parking lot. I don't think that there would be any protest from the expanded area, but if the subject tract included the parking lot, the 350' would come across Main Street, as opposed to not coming across. It just seems like there's a little glitch. That was just kind of a point of information, I guess. When I saw the notification area on the email that I got – the protest map – it kind of reflects that red line and that red line is – it doesn't even get off the parking lot in that short area right there. I don't know that it's a problem. I'm just saying that there might be.

7. Ms. Gordon – I do have a quick question. Have there been any issues, as far as the bar portion, and any problems with the surrounding area with the Plantations on Boyd that essentially has the same set-up, that we know of?

**PRESENTATION BY THE APPLICANT:**

1. Blaine Nice, 100 N. Broadway, Oklahoma City, representing the applicant – I will tell you Mr. Summers talked to the president of the Brookhaven Square homeowners' association. He asked a few questions but he was quite okay with it. It's going to be a very small operation. One of the reasons this came about is the change of law over the years. He used to be able to allow people to come in and purchase tobacco products and smoke a cigar or cigarette and sit in there and have coffee in his shop. When the smoking statutes changed, he can't do that. So in order to allow that, he had to do some modifications to his store which was quite expensive and he's doing that. To make it profitable to do that, he added this element to it. As you pointed out, over in Royal, his father opened that back in 1970. It's been in that corner; it has expanded and very successful. They opened this one in 1976 and it's been there. As he tells the story, when Plantations started at the Mall it was a dirt floor. They were one of the first tenants and the only independent that's still there. But it has been very successful over on Jenkins. It's not a large area, but the people that want to come in there and smoke a cigar or purchase a cigar or cigarettes and have a beer or a cocktail can do so. His thought at this location is if somebody's there with their spouse or somebody and they want to go in there while somebody is shopping, they can do that. And also the gentlemen or ladies that purchase a cigar can sit there and smoke it and have a drink.

We had a huge notification area. We got those two letters just today, but other than that nobody showed up. I expected we would get some comments from Brookhaven Square, but we didn't. I've had some discussions about the hours. I think that it will be the same as the Mall hours. One of the things that she mentioned – obviously, it's a special use permit and it stays with the property. But the Mall will have to have a lease with whoever moves in there, and they're going to restrict activities by their lease. General Growth is out of Chicago – I represent them on some other matters and I can tell you they're very professionally run and they'll have good oversight over the property.

2. Ms. Gordon – You mentioned the hours following the Mall hours. In our information it says that depending on business, they may request permission to stay open later.

3. Mr. Nice – Whenever the Mall hours – they have special events. Mr. Gasaway and I talked about this. If they have Midnight Madness or whatever – if the Mall is open, he can be open.

4. Ms. Gordon – So it will still follow the Mall hours?

5. Mr. Nice – Yeah. They have to be there.

6. Mr. Gasaway – I was just going to follow up on the hours. I spoke to the Mall general manager today, and she said, by contract, the tenants in the Mall can only be open when the Mall is open. There is an occasional exception, like Easter they let El Chico open when the Mall is not open, and I think Game Stop when NCAA 2014 comes out they open up at midnight, but it's very, very rare.

7. Mr. Nice – This is a small venue -- it's not going to draw like down the street, Pub W, has a smoking area upstairs and Louie's does. It's not that type. It's going to be very small. Up to 10-15 people, but the way it's set up I would suspect that if there's more than between 5 and 10 people there at any given time I would be somewhat surprised, except on very, very rare occasions.

**AUDIENCE PARTICIPATION:**

None

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Chris Lewis moved to recommend adoption of Ordinance No. O-1415-1 to the City Council. Cindy Gordon seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Andy Sherrer, Curtis McCarty, Sandy Bahan, Jim Gasaway, Tom Knotts, Chris Lewis, Cindy Gordon
NAYES	None
ABSENT	Roberta Pailes, Dave Boeck

Ms. Tromble announced that the motion to recommend adoption of Ordinance No. O-1415-1 to the City Council passed by a vote of 7-0.

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Item No. 4, being:

**4. O-1415-2 – 222 E MAIN, L.L.C. REQUESTS SPECIAL USE FOR A MIXED BUILDING FOR PROPERTY LOCATED AT 222 EAST MAIN STREET.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Layout
4. Pre-Development Summary

**PRESENTATION BY STAFF:**

1. Jane Hudson – This application is for a Special Use for a Mixed Building at this subject tract here on 222 Main Street. The existing zoning is C-3, Intensive Commercial District. The existing land uses in the area are commercial, retail, office with some industrial designation to the south. This is a photo of the subject property, the light tan building. The application for special use for a mixed building is similar to two applications on the south side on either side of this building have actually gotten mixed use approval to have residential units on the upper floors. There is a law office on the ground floor. There have been three other applications approved along the north and south sides of Main Street for special use for mixed buildings to have apartments on the upper floors. The applicant is looking to remodel the second floor of this unit. There is a law office on the ground floor. The property is zoned C-3, so there are no parking requirements downtown, but they do lease two parking spaces, I believe, in this parking lot which is south of the unit in the old Marquis parking lot. This is the design. Essentially the first floor is the law office and the second floor will be a two-bedroom apartment. The proposal, like others downtown, they continue to enhance the efforts to revitalize the downtown area. Staff does support this request and recommends approval of Ordinance No. O-1415-2. The applicant is here if you have any questions for him; he does not have a presentation.

2. Mr. McCarty – What is the parking requirement from your perspective? Or is that addressed when they go to get a building permit? So a special use of a dwelling with two bedrooms, they're not required to have parking even for that? I'd be curious what their plan is for parking. I know they have two spots leased, but what kind of lease is that long-term?

3. C.B. Moore, 222 E. Main Street, representing the applicant – As you can see in this picture, there are actually four spots, two of which are used by staff. Conceivably two of those, were we ever to lose the two spots that are leased, could be used for that as well. Most of the staff parks on the front as it stands now. If that was ever to be a problem, they would all park out front. Like she said, we got very lucky. The actual lease terms are year-to-year. My understanding is that we can extend that for longer – they did it for a year to test it out to see if we would need it as we were looking at going through this process. I can't imagine that parking would be a problem simply because we have those four spots back there if push does come to shove on it.

4. Mr. McCarty – Is the on-street parking metered?

5. Mr. Moore – Yes. Currently what the people that work there do is kind of park there and pray and hope. The enforcement on that is kind of lax. I've never received a ticket. However, and I don't know where this public lot is, but our architect had mentioned that there is a public lot nearby that some of the other places that have been converted to apartments are using. I don't know what the rules on that would be or how acceptable it is, but I do know that that's what at least two of them are doing.

**PRESENTATION BY THE APPLICANT:**

None

**AUDIENCE PARTICIPATION:**

None

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

1. Mr. McCarty – My concern is parking because, obviously, plugging the meter is counter-intuitive to bringing retail in if people are looking for parking. So you have employees parking where you'd like customers to park. I can just see that being a long-term problem as the downtown revitalizes. I figure when you go to get a building permit to do this, that parking is going to be required, but maybe not.

*Andy Sherrer moved to recommend adoption of Ordinance No. O-1415-2 to City Council. Tom Knotts seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Andy Sherrer, Curtis McCarty, Sandy Bahan, Jim Gasaway, Tom Knotts, Chris Lewis, Cindy Gordon
NAYES	None
ABSENT	Roberta Pailles, Dave Boeck

Ms. Tromble announced that the motion to recommend adoption Ordinance No. O-1415-2 to City Council, passed by a vote of 7-0.

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Item No. 5, being:

**MISCELLANEOUS DISCUSSION**

1. Mr. Knotts asked if the Imhoff Road project is joining with Constitution Street. Mr. Danner indicated that it is an OU project, but that's all he knows about it.

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Item No. 6, being:

**ADJOURNMENT**

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 6:57 p.m.

  
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Norman Planning Commission